

<b>FEE TRANSMITTAL</b> <b>for FY 2004</b> <small>Effective 10/01/2004. Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number <b>09/759,627</b>	Filing Date <b>January 12, 2001</b>
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) <b>0.00</b>		First Named Inventor <b>Ryan J. Nobrega</b>	Examiner Name <b>Fultz, Richard C.</b>
		Art Unit <b>3628</b>	Attorney Docket No. <b>3399P040</b>

<b>METHOD OF PAYMENT (check all that apply)</b>	<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																																																																																																																																																																																																																																																																																				
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input checked="" type="checkbox"/> None <input type="checkbox"/> Deposit Account Deposit Account Number: <b>02-2666</b> Deposit Account Name: <b>Blakely, Sokoloff, Taylor &amp; Zafman LLP</b> The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.10, 1.17, 1.19 and 1.20. <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<b>3. 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1806	180	1806	180	Submission of Information Disclosure Sheet																																																																																																																																																																																																																																																																																																																																																																																																																																																	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.126(p))																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1810	790	3810	395	For each additional invention to be examined (37 CFR § 1.129(p))																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1801	790	2001	365	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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1002	350	2002	175	Design filing fee																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1003	650	2003	325	Plant filing fee																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1004	790	2004	395	Rescue filing fee																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1005	100	2005	60	Provisional filing fee																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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1202	10	2202	5	Claims in excess of 20																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1201	50	2201	25	Independent claims in excess of 3																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1203	300	2203	150	Multiple Dependent claims, if not paid																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1204	80	2204	40	**Rescue independent claims over original patent																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1205	10	2205	5	**Rescue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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1061	130	2051	60	Surcharge - late filing fee or oath																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1062	60	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																																																																																																																																																																																																																																																	
2053	130	2053	130	Non-English specification																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1812	2,320	1812	2,320	For filing a request for ex parte reexamination																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1804	820*	1804	820*	Requesting publication of SIF prior to Examiner action																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1805	1,540*	1805	1,540*	Requesting publication of SIF after Examiner action																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1251	110	2251	60	Extension for reply within first month																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1252	430	2252	215	Extension for reply within second month																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1253	680	2253	400	Extension for reply within third month																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1254	1,530	2254	765	Extension for reply within fourth month																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1255	2,060	2255	1,040	Extension for reply within fifth month																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1404	340	2401	170	Notice of Appeal																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1402	340	2402	170	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1403	300	2403	150	Request for oral hearing																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1451	1,510	2451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1452	110	2452	65	Petition to revise - unavoidable																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1453	1,370	2453	685	Petition to revise - unintentional																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1501	1,370	2501	685	Utility issue fee (or rescue)																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1502	490	2502	245	Design issue fee																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1503	260	2503	300	Plant issue fee																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1460	130	2460	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1806	180	1806	180	Submission of Information Disclosure Sheet																																																																																																																																																																																																																																																																																																																																																																																																																																																	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.126(p))																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1810	790	3810	395	For each additional invention to be examined (37 CFR § 1.129(p))																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1801	790	2001	365	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																																																																																																																																																																																	
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																																																																																																																																																																	

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type) <b>Jordan M. Becker</b>	Registration No. <b>39,602</b>	Telephone <b>(408) 720-8300</b>	Date <b>11/10/04</b>
Signature 			

Issued on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) C2182004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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**NOV 10 2004**

Attorney Docket No.: 3399P040

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application for:

Ryan J. Nobrega et al. \*

Serial No.: 09/759,627

Filing Date: January 12, 2001

For: **METHOD AND APPARATUS FOR  
PERFORMING A CREDIT BASED  
TRANSACTION BETWEEN A USER  
OF A WIRELESS  
COMMUNICATIONS DEVICE AND A  
PROVIDER OF A PRODUCT OR  
SERVICE**

Examiner: **Fults, Richard C.**

Group Art Unit: 3628

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1460  
Alexandria, VA 22313-1450

<u>Certificate of Transmission</u>	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:	
<u>November 10, 2004</u>	
(Date of Transmission)	
<u>Julie Arango</u>	(Printed name)
<u>Julie Arango</u>	(Signature)
	<u>11/10/04</u>
	(Date)

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Dear Sir:

In response to the Office Action mailed on August 11, 2004, please enter the following amendment and consider the remarks below:

present invention is mainly concerned with the scenario in which the consumer is physically present at the merchant's business location (though that does not have to be the case).

The present invention is advantageous in that it can be implemented using existing communications and computing hardware infrastructure and without the necessity to retrain merchants or consumers. This is in contrast with the system of O'Leary, which requires the adoption of significant additional infrastructure and retraining of merchants and consumers.

In summary, it is clear from a real comparison of Applicants' claims with the cited art that the cited art does not come close to suggesting what Applicants claim.

#### Conclusion

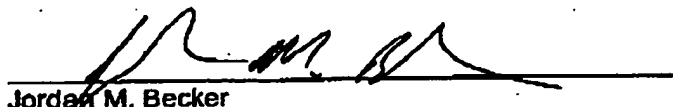
For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/11/04

  
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Reg. No. 39,602

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Los Angeles, CA 90025  
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